

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
HATTIESBURG DIVISION**

**JACOB R. SEMPUR, Individually and  
on behalf of all others similarly situated**

**PLAINTIFFS**

**VERSUS**

**C. A. NO. 2:10cv00138-KS-MTP**

**BP, PLC; BP AMERICA, INC.;  
BP PRODUCTS NORTH AMERICA, INC.;  
BP CORPORATION NORTH AMERICA, INC.;  
BP COMPANY NORTH AMERICA;  
ANADARKO PETROLEUM CORP.; MOEX  
OFFSHORE 2007, LLC; TRANSOCEAN, LTD.;  
TRANSOCEAN OFFSHORE DEEPWATER  
DRILLING, INC.; TRANSOCEAN DEEPWATER,  
INC.; HALLIBURTON ENERGY SERVICES, INC  
CAMERON INTERNATIONAL CORPORATION f/k/a  
COOPER CAMERON CORPORATION; and M-I, LLC**

**DEFENDANTS**

**DEFENDANT M-I L.L.C.'S MOTION TO DISMISS AND  
MOTION FOR MORE DEFINITE STATEMENT**

Subject to and without waiving its previously filed Motion to Stay [Dkt. #56], Defendant M-I L.L.C. ("M-I") files this its Motion to Dismiss, pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, and its Motion for More Definite Statement, pursuant to Rule 12(e) of the Federal Rules of Civil Procedure.

Pursuant to Rule 58 of the Federal Rules of Civil Procedure, M-I incorporates by reference its Brief in Support of its Motion to Dismiss and Motion for More Definite Statement, filed contemporaneously herewith.

**I.  
12(b)(1) MOTION TO DISMISS**

1. Pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure, M-I moves the Court to enter an order dismissing all claims asserted against M-I in the Class Action Complaint

(“Complaint”) on the grounds that the Court lacks subject matter jurisdiction over this case, given Plaintiff’s failure to comply with the Oil Pollution Act’s mandatory presentment requirement in 33 U.S.C. §2713.

**II.**

**12(b)(6) MOTION TO DISMISS**

2. Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, M-I moves the Court to enter an order dismissing all claims asserted against M-I in the Complaint on the grounds that the counts alleged therein fail to state a claim upon which relief can be granted against M-I.

**III.**

**12(e) MOTION FOR MORE DEFINITE STATEMENT**

3. In the alternative, pursuant to Rule 12(e) of the Federal Rules of Civil Procedure, M-I moves the Court to enter an order requiring Plaintiff to state the claims alleged against M-I in a more definite and less vague and ambiguous manner, within fourteen (14) days of entry of the order. The Complaint fails to aver with sufficient particularity any factual statements demonstrating Plaintiff’s plausible entitlement to relief against M-I. Specifically, the Complaint fails to aver any facts showing that M-I violated any duty to Plaintiff, any facts showing that any wrongdoing by M-I proximately caused Plaintiff’s alleged damages, and the specific damages Plaintiff claims that M-I caused.

**IV.**

**CONCLUSION**

4. Defendant, M-I L.L.C., respectfully requests that this Court order that Plaintiff’s claims and causes of action against it be dismissed for lack of subject matter jurisdiction and/or for failure to state a claim, pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6), and in the alternative, that this Court require Plaintiff to replead his claims and causes of action in

accordance with the Federal Rules of Civil Procedure within fourteen (14) days. M-I L.L.C. further prays that this Court grant such other and further relief, general or special, at law or in equity, to which M-I L.L.C. is justly entitled.

Respectfully submitted, this 20th day of July, 2010.

M-I L.L.C.

By: /s/ G. Todd Burwell  
G. Todd Burwell

OF COUNSEL:

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**CERTIFICATE OF SERVICE**

I, G. Todd Burwell, do hereby certify that I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will automatically send a copy of the foregoing to all counsel.

This the 20th day of July, 2010.

/s/ G. Todd Burwell  
G. Todd Burwell